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ACTION L-01

INFO	LOG-00	AF-01	AID-01	ARA-01	CIAE-00	C-01	OASY-00
	DODE-00	EAP-01	EUR-01	TEDE-00	INR-00	IO-16	JUSE-00
	ADS-00	NEA-01	NSAE-00	NSCE-00	OIC-02	P-01	SP-00
	SR-00	SSO-00	SS-00	SA-01	PRME-01	DRL-09	G-00

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TO SECSTATE WASHDC IMMEDIATE 1562  
INFO USMISSION GENEVA PRIORITY  
AMEMBASSY THE HAGUE PRIORITY  
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WASH PASS L/UNA

E.O. 12356: N/A  
TAGS: PREL, UNGA  
SUBJECT: RWANDA TRIBUNAL

REF: USUN 5217

1. THE FOLLOWING LETTER WAS DISTRIBUTED TO MEMBERS OF  
THE SECURITY COUNCIL ON 12/8.

BEGIN TEXT.

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"SUMMARY OF THE PROPOSED PLAN FOR THE IMPLEMENTATION OF

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SECURITY COUNCIL RESOLUTION 955 (1994)

1. BY RESOLUTION 955 (1994) OF 8 NOVEMBER 1994, THE SECURITY COUNCIL DECIDED TO ESTABLISH AN INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND NEIGHBOURING STATES, BETWEEN 1 JANUARY 1994 AND 31 DECEMBER 1994.

2. THE PROPOSED PLAN FOR THE URGENT IMPLEMENTATION BY THE SECRETARY-GENERAL OF RESOLUTION 955 (1994) IS FOR THE ESTABLISHMENT OF THE INTERNATIONAL TRIBUNAL FOR RWANDA IN TWO PHASES. PHASE I WOULD INITIATE THE WORK OF THE TRIBUNAL IMMEDIATELY BY PROVIDING FOR INVESTIGATIONS AND THE PREPARATION OF INDICTMENTS. PHASE II WOULD CONCLUDE THE IMPLEMENTATION OF RESOLUTION 955 AND WOULD RESULT IN A FULLY-STAFFED AND OPERATIONAL TRIBUNAL.

3. PHASE I OF THE PROPOSED PLAN INVOLVES THREE ELEMENTS.

FIRST: THE ESTABLISHMENT OF AN INVESTIGATIVE AND PROSECUTORIAL UNIT, INCLUDING THE IMPORTANT SELECTION OF A DEPUTY PROSECUTOR TO BE APPOINTED BY THE SECRETARY-GENERAL. IT WOULD UTILIZE, WHERE POSSIBLE, THE EXPERIENCED INVESTIGATORS AND PROSECUTORS OF THE "SPECIAL INVESTIGATIONS UNIT" ESTABLISHED BY THE HIGH COMMISSIONER FOR HUMAN RIGHTS FOR RWANDA, STAFF OF THE PROSECUTOR'S OFFICE OF THE INTERNATIONAL TRIBUNAL FOR  
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THE FORMER YUGOSLAVIA AND GOVERNMENT-CONTRIBUTED  
PERSONNEL.

SECOND: THE ESTABLISHMENT OF A SMALL ADMINISTRATIVE UNIT WITH RESPONSIBILITY FOR PERSONNEL, FINANCE, AND GENERAL ADMINISTRATION.

THIRD: THE IDENTIFICATION OF MODEST OFFICE PREMISES IN RWANDA FOR THE INVESTIGATIVE AND PROSECUTORIAL UNIT.

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4. IN THE MEANTIME, THE SECRETARIAT HAS ESTABLISHED A TRUST FUND TO ASSIST IN THE ACTIVITIES OF THE INTERNATIONAL TRIBUNAL FOR RWANDA AND PLEDGES HAVE BEEN RECEIVED FROM SOME GOVERNMENTS. THE OFFICE OF LEGAL AFFAIRS, IN CONSULTATION WITH THE PROSECUTOR, IS PREPARING A BUDGETARY SUBMISSION TO THE ACABQ FOR A COMMITMENT AUTHORITY FOR START-UP FUNDING (PENDING A FULL BUDGETARY SUBMISSION FOR THE FUNDING OF THE TRIBUNAL).

5. DURING PHASE I THE SECRETARIAT WILL ALSO:

I. PREPARE AN INITIAL REPORT TO THE SECURITY COUNCIL ON THE PRACTICAL IMPLEMENTATION OF RESOLUTION 955 (1994);

II. INITIATE THE PROCESS FOR THE ELECTION OF JUDGES, WHICH MAY BE POSTPONED UNTIL SUCH TIME AS THE SEAT OF THE TRIBUNAL IS DETERMINED AND THE PROSECUTOR'S OFFICE HAS COMMENCED OPERATION; AND

III. SUBMIT TO THE SECURITY COUNCIL A FURTHER REPORT  
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CONTAINING ITS RECOMMENDATIONS FOR POSSIBLE LOCATIONS FOR THE SEAT OF THE TRIBUNAL, ONCE A FULL ANALYSIS OF THIS QUESTION HAS BEEN COMPLETED.

6. IT IS ALSO ESSENTIAL THAT A DIALOGUE BE MAINTAINED WITH THE GOVERNMENT OF RWANDA TO OBTAIN ITS COOPERATION IN ALL PRACTICAL ASPECTS OF THE IMPLEMENTATION OF THE RESOLUTION." END TEXT.

7. MINIMIZE CONSIDERED.

ALBRIGHT

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